25-10413-pb Doc 1-4 Filed 03/04/25 Entered 03/04/25 14:47:48 Exhibit D: Decision Commencing Foreign Proceeding Pg 1 of 4

# **EXHIBIT D**

**Copy of Decision Commencing Foreign Proceeding** 

# 25-10413-pb Doc 1-4 Filed 03/04/25 Entered 03/04/25 14:47:48 Decision Commencing Foreign Proceeding Pg 2 of 4



Federal Court of Australia

District Registry: New South Wales Registry

Division: General No: NSD1023/2022

# LIGON 158 PTY LIMITED (IN LIQUIDATION) ACN 003 464 015 and others named in

the schedule Plaintiff

## SHIELD HOLDINGS AUSTRALIA PTY LIMITED (DE-REGISTERED) ACN 078

**881 035** and another named in the schedule

Defendant

#### **ORDER**

JUDGE: Justice Cheeseman

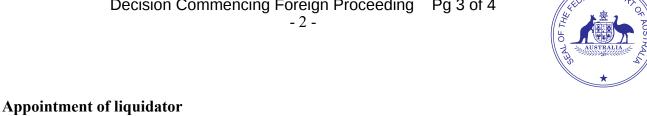
**DATE OF ORDER:** 5 April 2024

WHERE MADE: Sydney

#### THE COURT ORDERS THAT:

### Reinstatement and winding up

- 1. Pursuant to s 601AH(2) of the *Corporations Act 2001* (Cth), the Australian Securities and Investments Commission reinstate the registration of **Shield** Holdings Australia Pty Limited (ACN 078 881 035).
- 2. Pursuant to s 601AH(3)(d) of the Act, the limitation period in respect of any action by the Plaintiffs against Shield be suspended during the period from and including 29 November 2022 until the date of reinstatement of the registration of Shield pursuant to order 1 above.
- 3. Pursuant to s 461(1)(k) of the Act, Shield be wound up upon the reinstatement of Shield pursuant to order 1 above.
- 4. Pursuant to s 467(3)(b) of the Act, any notices or steps required under the Act and/or the *Federal Court (Corporations) Rules 2000* (Cth) relating to the winding up of Shield be dispensed.



## Appointment of inquitator

5. Pursuant to s 472 of the Act, Alan Walker, registered liquidator, be appointed as liquidator of Shield upon Shield being wound up pursuant to order 3 above.

## **Interlocutory Application**

- 6. By 4.30pm on 16 April 2024, the plaintiffs file and serve any interlocutory application and affidavit evidence upon which they seek to rely in support of the Plaintiffs' proposed orders submitted to the Court on 28 March 2024.
- 7. By 4.30pm on 7 May 2024, the interested parties file and serve any responding affidavit material.
- 8. By 4.30pm on 14 May 2024, the plaintiffs file and serve any written submissions.
- 9. By 4.30pm on 21 May 2024, the interested parties file and serve any written submissions.
- 10. For the abundance of clarity, the materials filed pursuant to orders 6 to 9 are to address any orders for costs that the parties seek.
- 11. The matter be listed for hearing at 10.15am on 13 June 2024.

Date that entry is stamped: 5 April 2024

Sia Lago Registrar

Exhibit Day



#### **Schedule**

No: NSD1023/2022

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Interested Person ANDREW JOHN BINETTER

Second Plaintiff ERMA NOMINEES PTY LIMITED (IN LIQUIDATION) ACN

000 957 040

Third Plaintiff ERBIN FINANCES PTY LIMITED (IN LIQUIDATION) ACN

138 259 800

Third Plaintiff ERBIN FINANCES PTY LTD (IN LIQUIDATION) ACN 138

259 800

Fourth Plaintiff RAWBIN FINANCES PTY LIMITED (IN LIQUIDATION)

ACN 140 576 549

Fourth Plaintiff RAWBIN FINANCES PTY LIMITED (IN LIQUIDATION)

ACN 140 576 549

Fifth Plaintiff JOHN SHEAHAN IN HIS CAPACITY AS LIQUIDATOR OF

THE FIRST TO FOURTH PLAINTIFFS

Fifth Plaintiff JOHN SHEAHAN

Interested Person MICHAEL BINETTER

Second Defendant AUSTRALIAN SECURITIES & INVESTMENTS

**COMMISSION**